

DOES AUTONOMY STAND A CHANCE?

THE THIN LINE BETWEEN INTERNATIONAL REGULATIONS AND DOMESTIC POLICIES



For decades we have been holding strong to the thought of autonomy and independence. Still today debates are going on between the laws and rules that govern the modern society. Autonomy gives us a certain feeling of power and liberty. It gives us certain rights to handle without taking into consideration others interests. It is stimulated by elements of pride and patriotism. Autonomy gives a government the space to maneuver to determine its country's own destiny and path. It is the right to self-determination.

In the early 70's and 80's the aforementioned autonomous perspective was definitely the driving force in politics in different continents (also on Aruba). Today this political stream has become less relevant. The changing world has made words such as independence, isolationism, and autonomy become antiquated. Terms such as interdependence, integration, supra nationalism and cooperation have replaced the former. The autonomy and interdependency perspective have shifted towards a more interrelated and unity perspective. How do we explain this trend?

International regulations which rule the world

Today more and more countries bind and commit themselves to international regulations. These regulations were created for the protection of the individual, states and other entities against wrongdoing by other parties. The basic idea behind the international commitments is the respect of boundaries between the countries in the world. These conventions were also set in place for the protection of every living human being and creature on this planet. These regulations were basically created to regulate relations among each state on the planet. These international commitments are made in the form of a treaty or other kind of signed contract between actors subject to international relations.

According to the Merriam Webster online dictionary, a treaty is a contract in writing between two or more political authorities (as states or sovereigns), formally signed by representatives duly authorized and usually ratified by the lawmaking authority of the state (www.merriam-webster.com/dictionary).

Another definition (open dictionary Wiki-

pedia) describes a Treaty as an agreement under international law entered into by actors in international law, namely states and international organizations. A Treaty may also be known as: (international) agreement, protocol, covenant, convention, exchange of letters, exchange of notes, accord, memorandum of understanding, etc.

So a Treaty is an accepted (binding) agreement, which stands above the national legislation, signed between two or more countries (or legal international subjects), to regulate certain areas of interest. These areas might include a variety of topics such as socio-economic, environmental, commercial, judicial, cultural, labor, human rights, sea-related and others.

How do international commitments affect the autonomy?

And if this is the case, if your country's autonomy and decision making is undermined by international regulations, why would you as a nation chose this path?

The key argument brought forward in this article, is that international regulations and international law do

not undermine, but actually reinforces decision making in a nation state.

An international Convention is a legal instrument which can strengthen a government's negotiation position. It is a binding agreement which is respected by all parties which include other subjects to international law, such as Multi National Organizations. The government is a legal subject in international law, so it protects the nation state from wrongdoing by other parties. Being part of a certain treaty enhances qualitative political decision making. It gives governments (legal) substance to negotiate and stand firm behind their decisions.

Being part of an international network, which respects democratic principles, promotes transparency in government and practices good governance, reinforces the image of the country internationally. It shows commitment to common interests and the recognition by other states. It stimulates good practice and diplomacy among nations. It is a political agreement for the respect of nation's barriers among each other. Democratic principles are respected and promoted, when certain regulations are in place. There is a close link between the economic development in a country and the level of democracy and good governance. Respect for democratic principles is good to the economy. The level of political stability and transparency contributes also to the economic and social development in a country. When political decision making is transparent and consistent, the investment climate profits from this. Several treaties focus specifically on good governance and democracy (e.g. the Government Procurement Act).

Being party to an international treaty also protects the government against itself. Because governments come and go, local legislation might be easily adapted and reversed to the benefit of the sitting government. This will create uncertainty and instability. A Treaty is an accepted (binding) agreement, which stands above the national legislation and is not dependent on the changing of the government. In this case decision making becomes more stable and trustful.

On a local level an international treaty does authorize a government and relevant authorities to implement procedures

create new legislation (if necessary) and it stimulates necessary adjustments to be made. These regulations are to the benefit, protection and rights of nationals. It gives the citizens of a nation state a certain notion of security and protection.

A nation state should only become party to a certain treaty, when it is of vital interest and it is beneficial to its citizens and the parties involved. When the countries of the European Union decided for regionalization, every country was convinced that it would be for the better of their nationals. It was also signed with the intention of weakening the possibility of a third world war by any European nation. In other words it was a multilateral signed agreement to the benefit of every country individually. (Treaty of Amsterdam 1997).

Aruba as part of the international arena

Aruba also enjoys the protection and benefits but has also to carry responsibilities for being part of the international arena. As part of the Kingdom of the Netherlands, (which is legal subject to international regulations), Aruba has important partnerships which contribute to international image building, cooperation and diplomatic relations with other nations. Aruba taking into consideration the importance of the protection of its citizens has become party to almost 2000 international treaties. These treaties are binding and are for the protection of the nationals. Just to mention a few examples.

- Signing an agreement for the Encouragement and Reciprocal Protection of Investment for instance gives a certain security to your local investors abroad.
- Being part of a multilateral (signed among more than two nations) agreement such as the Convention on the Rights of the Child gives your citizens the assurance that your government respects every child's right to a decent existence.
- As part of international treaties against terrorism, shows that you are committed to protect your citizens in cooperation with other countries against international threats.
- Being part of an International Labor Treaty

gives workers the security they can appeal any wrongdoing.

The international arena is complex. Recent international developments have changed the worlds perceptive on several issues. The focus today has shifted towards national security and the fight against terrorism. Being part of this complex system brings challenges we have to confront together. The notion of autonomy and independence gives no assurance and protection to citizens of your nation state. Globalization requires a joint effort of all nations to protect the interest of their respective nationals. The thin line between the international and the local has to be approached with caution and wisdom. The commitment to international treaties, cooperation and integration, gives nations the power and legal protection to truly work to the benefit of their citizens within a greater context. F

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